

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

JACOB ARNOLD GONZALEZ	§	
VS.	§	CIVIL ACTION NO. 5:21cv134
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Jacob Arnold Gonzalez, an inmate confined at the Telford Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

On March 22, 2012, in the 94th District Court for Nueces County, Texas, petitioner was convicted of Capital Murder. Petitioner was sentenced to a term of confinement for life without the possibility of parole.

Petitioner brings this petition for writ of habeas corpus contesting his conviction. Petitioner contends counsel provided ineffective assistance by failing to request a competency hearing.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner is currently confined at the Telford Unit in Texarkana, Texas. However, petitioner is complaining of his conviction and sentence which occurred in Nueces County, Texas. Pursuant

to 28 U.S.C § 124, Nueces County is in the Corpus Christi Division of the Southern District of Texas.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

While jurisdiction is proper in the Eastern District of Texas, the petitioner complains of convictions which occurred in the Corpus Christi Division of the Southern District of Texas and all records and witnesses involving this action may be located in the Southern District. The court has considered the circumstances and has determined the interests of justice would best be served if this petition was transferred to the division in which the petitioner was convicted, being the United States District Court for the Southern District of Texas, Corpus Christi Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Opinion.

SIGNED this 8th day of November, 2021.


CAROLINE M. CRAVEN
UNITED STATES MAGISTRATE JUDGE